

**STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF WORKERS' COMPENSATION**

**ADDENDUM TO FINAL STATEMENT OF REASONS**

**Subject Matter of Regulations: Workers' Compensation Employee Benefit Notices**

**Title 8, California Code of Regulations, Sections 9810, 9811, 9812, 9813, 9814, 9815, 9881.1, and 10139.**

**1. Statement of Incorporation by Reference of the Summary of Comments Received and the Division's Responses Thereto into the Final Statement of Reasons.**

The comments of each organization or individual are addressed in charts contained in the rulemaking binder. Those charts are, by this reference, incorporated into the Final Statement of Reasons as though fully set forth therein.

**2. Statement of factual basis pursuant to Title 1, California Code of Regulations, section 12, to establish that duplication of statutory language in the regulations is necessary in order for the regulations to satisfy the "clarity" requirements of Government Code section 11349.1(a)(3) and Title 1, California Code of Regulations, section 12.**

The benefit notice regulations are intended to be a single source of all the information a claims adjuster needs to create a factually and legally accurate notice to inform an injured worker of his or her rights and responsibilities under the complex provisions of the workers' compensation laws.

Rather than requiring the claims adjuster to follow references to various Labor Code sections to locate specific statutory language required to be included in a notice, the regulations instead cite the specific statutory language that each notice must contain.

This approach improves the clarity of the regulations, as the regulations would otherwise present information "in a format that is not readily understandable by persons directly affected". Title 1, CCR, section 16(a)(5).

**3. Changes to Regulatory Text.**

After submission of the proposed regulations for review by the Office of Administrative Law, the Division made a number of changes to the proposed regulations as suggested by that Office. Those changes include:

- a. Section 9810(e)(1): The word "me" was deleted in two places:

“You have a right to disagree with decisions affecting your claim. If you have any questions regarding the information provided to you in this notice, please call ~~me~~ *[insert either me, the adjuster's name or a specific claims department name and telephone number]*, or *[insert name, title, and telephone of ombudsperson or mediator]*. However, if you are represented by an attorney, you should call your attorney, not *[insert me, or the specific claims department name]*, the ombudsperson, or mediator.

b. Section 9811: Sections 4061 and 4062.2 were underlined and section 4635(a) was deleted in the authority and reference section.

c. Section 9812: Errors in numbering were corrected on pages 8, 10, 20 and 23, correcting i.” to “a.” and “ii.” to “b.” Also, a numbering error was corrected on pages 26 and 27 in which the numbering of subdivisions (h) and (i) were reversed.

In addition, cover sheets were added to the rulemaking file for sections 9881.1 and 10139, and the order those sections were placed in the rulemaking file was reversed.